

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

WILLIAM SCOTT GARRISON, #814619	§	
	§	
VS.	§	CIVIL ACTION NO. 4:22cv342
	§	
DIRECTOR, TDCJ-CID	§	

ORDER OF DISMISSAL

The above-entitled and numbered civil action was referred to United States Magistrate Judge Kimberly C. Priest Johnson, who issued a Report and Recommendation concluding that the petition for writ of habeas corpus should be dismissed without prejudice as a successive petition. (Dkt. #5). Petitioner filed objections. (Dkt. #12).

In the objections, Petitioner acknowledges that the basis for the recommendation of dismissal was the fact that he has not received permission from the Fifth Circuit Court of Appeals to file a successive petition, and Petitioner does not dispute this. Instead, he requests a sixty-day continuance so that he may request permission from the Fifth Circuit to file his current petition and then argues the merits of his claims and says that he should be given an evidentiary hearing. His objections are without merit. As Petitioner acknowledges, he is required to receive permission from the Fifth Circuit to file the present petition and has not done so. *See In re Epps*, 127 F.3d 364 (5th Cir. 1997). Accordingly, this Court does not have subject matter jurisdiction to consider Petitioner's current petition.


The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. Having made a *de novo* review of the objections raised by Petitioner to the Report, the Court concludes that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby

adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court.

It is accordingly **ORDERED** that the petition for a writ of habeas corpus is **DISMISSED** without prejudice to Petitioner's right to file a motion for leave to file a successive 28 U.S.C. § 2254 petition in the United States Court of Appeals for the Fifth Circuit. He may not refile this petition without first obtaining such permission, and the dismissal of the present case shall have no effect upon Petitioner's right to seek permission from the Fifth Circuit to file a second or successive petition.

It is further **ORDERED** that all motions not previously ruled on are hereby **DENIED**.

So ORDERED and SIGNED this 23rd day of June, 2022.


SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE